

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
Dallas Division**

<p>CHARLENE CARTER,</p> <p style="text-align: center;">Plaintiff,</p> <p>V.</p> <p>SOUTHWEST AIRLINES CO., AND TRANSPORT WORKERS UNION OF AMERICA, LOCAL 556,</p> <p style="text-align: center;">Defendants.</p>	<p>Civil Case No. 3:17-cv-02278-X</p> <p>PLAINTIFF CHARLENE CARTER'S MOTION TO EXTEND TIME TO COMPLETE FACT DISCOVERY</p>
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Pursuant to Federal Rule of Civil Procedure Rule 16(b)(4), Plaintiff Charlene Carter requests that the Court extend the deadline to complete fact discovery in the March 4, 2020 Scheduling Order (ECF 89) from November 30, 2020, to March 5, 2021, for the reasons set forth herein and in her supporting brief.

The Court should extend the November 30, 2020 discovery deadline to March 5, 2021, because Southwest's and Local 556's objections and delays prevented Carter from completing discovery. Federal Rule of Civil Procedure 16(b)(4) allows a schedule to be modified for good cause and with the judge's consent. When deciding whether to extend discovery deadlines, the court considers the reasons for the extension, the importance of the requested relief, the prejudice to the other parties, and the availability of a continuance to cure any such prejudice. *See S&W Enters., LLC v. S. Trust Bank of Ala., NA*, 315 F.3d 533, 536 (5th Cir. 2003).

Carter seeks an extension of the discovery deadline to complete review of documents produced during the last month of discovery, to conduct follow-up discovery (e.g., requests for admission), especially on matters involving evidence of discriminatory animus and disparate treatment towards

other flight attendants, which is crucial to Carter's retaliation and religious discrimination claims. Carter also seeks time to confer with the company and union to identify possible discovery deficiencies from their recent production of documents. Granting Carter an extension is important to ensuring that she can complete the investigation of her claims, and it will not prejudice Southwest or Local 556.

The Court should grant Carter's Motion to Extend Time to Complete Fact Discovery, and extend the deadline from November 30, 2020, to March 5, 2021.

Dated: November 30, 2020

Respectfully submitted,

s/ Matthew B. Gilliam

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Certificate of Conference

I hereby certify that Plaintiff's counsel, Matthew B. Gilliam, conferred with counsel for Defendant Southwest Airlines Co., Michael Correll and Brian Morris regarding this motion to extend discovery deadlines by telephone on September 29, 2020, and by email on October 5, 2020, and October 9, 2020. On each occasion, Correll stated that Southwest is opposed to this motion. Gilliam also conferred with counsel for Defendant Transport Workers Union of America Local 556, Adam Greenfield, by telephone on October 7, 2020, at which time Greenfield indicated that he would consult with his client and let Gilliam know the union's position on the motion. Gilliam also emailed Greenfield and Local 556 attorney Ed Cloutman on October 15, 2020, and October 20, 2020, asking for their positions on this motion. Gilliam, Greenfield, and Cloutman conferred by telephone about its position on the motion on or about November 18, 2020, at which time Cloutman indicated that he would consult with his client about the motion. Carter has not received any additional information regarding Local 556's position and presumes that the union also opposes this motion.

s/ Matthew B. Gilliam _____

Certificate of Service

I hereby certify that on November 30, 2020, I electronically filed the foregoing document with the Clerk of Court by using the CM/ECF system, which will send a notice of electronic filing to all counsel of record.

s/ Matthew B. Gilliam _____